

## **REMARKS**

Favorable reconsideration is respectfully requested in view of the following remarks.

### **I. CLAIM STATUS & AMENDMENTS**

Claims 2-16 are pending in this application.

Claims 6-13 are withdrawn as being directed to non-elected subject matter. Clarification is requested regarding the status of the withdrawn claims, because, in item 4 on page 1 of the Office Action, the withdrawn claims are not indicated as pending.

Claims 2-5 and 14-16 remain rejected.

### **II. REJECTION UNDER 35 U.S.C. § 103**

Claims 2-5 and 14-16 are rejected under 35 U.S.C. § 103(a), as obvious over Siddiqi, U.S. Patent No. 4,438,067. See page 2 of the Office Action.

This rejection is respectfully traversed for the following reasons.

The Examiner contends that the instant claims fail to recite that the polymer beads are embedded in the matrix as argued in the response filed on December 23, 2003 (page 5).

This position overlooks the claim limitation calling for “a matrix comprising a hydrophilic high molecular substance which matrix contains said reagent and said polymer beads, wherein the content of the polymer beads is 5 to 30 wt% of the total weight of the single reagent layer.” At this content, the amount of the matrix is much larger than that of the polymer beads in the reagent layer. In fact, at such content, the polymer beads are naturally embedded in the matrix, and are thus, embedded in the matrix. Please see the paragraph bridging pages 20-21 of the specification.

Siddiqi fails to disclose or suggest this content. Instead, the Examiner has stated that it would have been within the skill in the art to modify Siddiqi and select a content of polymer beads being 5-30 wt.% of the total reagent layer. However, the dry measuring test device of this invention is not achieved by optimization of that disclosed by Siddiqi. There is simply no

suggestion or motivation to select a content of polymer beads being 5-30 wt.% of the total reagent layer.

Moreover, in the test strip of Siddiqi, the beads are not embedded in the matrix. Contrary to the Examiner's position, the pressing of the beads into the adhesive on the surface as taught by Siddiqi does not result in the reagent layer wherein the content of the polymer beads is 5 to 30 wt% of the total weight of the single reagent layer.

Indeed, Siddiqi describes that "a very thin layer of the adhesive solution can be sprayed or otherwise deposited on the latter" (column 6, lines 16-18 of Siddiqi) [Emphasis added]. However, in the layer of Siddiqi, it is clear that the beads occupy almost the whole layer in terms of both volume and weight. In this regard, Siddiqi clearly teaches away from the contents of the polymer beads as claimed.

Furthermore, Siddiqi is silent about the claimed matrix which contains the reagent according to the dry measuring test device of the present invention. In fact, Siddiqi teaches that beads are attached by adhesion to the supporting strip without any matrix for embedding the beads. As discussed at page 5 of the prior response, the test strip of Siddiqi comprises a support and a layer of beads coated onto and bonded to a surface of the support to define pockets between mutually contacting beads in which the aqueous test solution can be retained. Specifically, Siddiqi described as follows:

"The beads are simply attached by adhesion to the supporting strip without any dispersive and absorbent matrix for embedding the beads like in the strips of the prior-art in which said matrix serves usually as a sampling medium for the solutions to be tested and also as a development medium for the desired color analytical reaction." (Emphasis added; col. 3, line 65 to col. 4, line 3).

Siddiqi clearly teaches that beads are attached by adhesion to the supporting strip without any matrix for embedding the beads and, therefore, teaches away from retaining beads in the matrix. As such, Siddiqi teaches away from retaining beads in the matrix. Thus, one skilled in the art would not have been motivated to modify the strip of Siddiqi along the lines of the claimed invention.

Also, the Examiner contends that Siddiqi at column 5, lines 20+ teaches titanium dioxide incorporated within the beads, thus allegedly satisfying the "polymer beads containing embedded light reflective particles." However, in Siddiqi, the beads must contain analytical reagents (column 4, lines 55-57). Siddiqi does not teach beads consisting of a polymer and light reflective particles.

Thus, one skilled in the art would not have been motivated to modify the strip of Siddiqi along the lines of the claimed invention.

### **CONCLUSION**

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is now in condition for allowance and early notice to that effect is hereby requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

Respectfully submitted,

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